

BEFORE THE ARIZONA BOARD OF OSTEOPATHIC EXAMINERS
IN MEDICINE AND SURGERY

IN THE MATTER OF:

) **Case No.: 3926**
)

JANET PRAGIT, D.O.

) **CONSENT AGREEMENT FOR ORDER**
) **FOR ISSUANCE OF LICENSE AND**
) **PROBATIONARY ORDER**
)

Application NO. AP 0733

In the application to hold a license and practice
of osteopathic medicine in the State of Arizona

By mutual agreement and understanding, the Arizona Board of Osteopathic Examiners (hereafter "Board") and Janet Pragit, D.O. (hereinafter "Applicant"), the parties, hereto agree to the following disposition to this matter.

1. Applicant acknowledges that she has read this Consent Agreement and Order; and, Applicant is aware of and understands the content of these documents.

2. Applicant understands that by entering into this Consent Agreement and Order, she voluntarily relinquishes any rights to a hearing on the matters alleged as grounds for Board action or to seek judicial review of the Consent Agreement and Order in state or federal court.

3. Applicant understands that this Consent Agreement and Order will not become effective unless approved by the Board and signed by its Executive Director.

4. Applicant further understands that this Consent Order and Order, once approved and signed, shall constitute a public record which will be disseminated as a formal action of the Board.

5. Applicant admits to the statement of facts and conclusions of law contained in the Consent Agreement and Order.

6. All admissions made by Applicant are solely for final disposition of this matter and any subsequent administrative proceedings or litigation involving the Board, Applicant and

1 the State of Arizona; and, therefore, said admissions by Applicant are not intended for any other
2 purpose or administrative regulatory proceeding or litigation in another state or federal court.

3 7. Applicant acknowledges and agrees that upon signing and returning this
4 document (or a copy thereof) to the Board's Executive Director, she may not later revoke or
5 amend any part of the Consent Agreement and Order, without first obtaining Board approval.

6
7 REVIEWED AND ACCEPTED THIS 13th AUGUST DAY OF ~~JULY~~, 2007.

8
9
10 Janet M. Pragit, D.O., Applicant

11 **JURISDICTIONAL STATEMENTS**

12 1. The Board is empowered, pursuant to A.R.S. §§ 32-1800 et seq. to regulate the
13 licensing and practice of osteopathic medicine in Arizona.

14 2. The Board has the authority to informally dispose by stipulation, agreed
15 settlement, consent order or default pursuant to A.R.S. § 41-1092.05 (F)(5).

16 **FINDINGS OF FACT**

17 4. On or about August 17th 2005 the Board entered into an agreement with the
18 Applicant which required a non-disciplinary probation. This monitoring was accepted by the
19 Board and the Applicant was licensed to practice Osteopathic Medicine in the State of Arizona
20 contingent upon a five-year non disciplinary probation with terms.

21 5. After approximately six (6) months of licensure with the State of Arizona the
22 Applicant notified the Board of her intention to move and work in California. At her request the
23 Board issued a "stay" of the terms of the Arizona probation until such time as she returned to
24 Arizona to practice which became effective on December 31, 2005.

25 6. The Applicant allowed her Arizona license to expire on May 1, 2006.

1 7. On June 15, 2007, the Applicant applied for a Arizona license. She had to reapply
2 because her previous license expired. In this application, the applicant disclosed a subsequent
3 relapse that occurred in California while being monitored by their program.

4 **CONCLUSIONS OF LAW**

5 1. Pursuant to A.R.S. § 32-1800, et seq. the Arizona Board of Osteopathic
6 Examiners in Medicine and Surgery has subject matter and personal jurisdiction in this matter.

7 2. The conduct and circumstances described in paragraphs 4 through 7 above
8 constitute unprofessional conduct as defined in the following subsection of A.R.S. § 32-1854
9 (18):

10 “The disciplinary action against a license by any other state.

11 **ORDER**

12 **NOW, THEREFORE, IT IS ORDERED AND AGREED AS FOLLOWS:**

13 Pursuant to A.R.S. §§ 32-1855 (C), 41-1092.11 and 41-1064 (C), License No. 4719 held
14 by **Janet M. Pragit, D.O.** (“Applicant”) shall be placed on **PROBATION** for 5 years from the
15 date of this order with the following terms and conditions of probation as set forth herein:

16 1. Applicant shall not practice medicine until such time as she successfully
17 completes an in-patient evaluation and in-patient treatment program as recommended by a
18 treatment and care facility approved by the Executive Director. (The program completed in
19 California may be accepted)

20 2. Applicant will develop a plan for aftercare treatment and monitoring which shall
21 include, but may not be limited to, individual and/or group counseling sessions, random body
22 fluid testing, agreement for release of treatment records and reports to the Board, prohibition of
23 the use of alcohol and controlled substances unless the latter is prescribed or coordinated by her
24 treating physician. The plan shall include regular meetings with the Board and shall be
25 submitted to the Board for its approval. The Board and/or Executive Director would accept Dr.
Sucher’s program for monitored after care.

1 3. From the date of this Order, Applicant shall obtain psychiatric or psychological
2 treatment by a therapist(s) who is either a licensed psychiatrist and/or psychologist and is
3 selected by Applicant and approved by the Board. Applicant shall comply with the therapist
4 recommendation for the frequency of therapy treatment sessions. Applicant shall inform the
5 Board by letter (mailed within ten days of the date of this Order) of the therapist's name; and,
6 Applicant shall undertake and fully cooperate with a program of treatment established by the
7 therapist. In the event Applicant changes therapists, she shall give the Board written notice
8 within ten (10) days of said action. Applicant shall not discontinue or reduce the frequency of
9 psychotherapy sessions until she has submitted a written request to the Board and obtained Board
10 approval. (The board may accept evaluation or assessment completed within the last 6 months)

11 4. Applicant's therapist(s) shall receive a copy of this Order and Board staff shall
12 cooperate with and disclose all relevant information in the Board's files concerning Applicant.
13 The treating therapist shall be directed by Applicant to send to the Board a detailed written
14 progress report every month for the remainder of the probation; and Applicant, shall waive any
15 confidentiality concerning her psychotherapy in order that the Board may receive full disclosure
16 of information. The expense of the aforementioned therapy and the reports to the Board by
17 Applicant's therapist shall be the sole responsibility of the Applicant.

18 5. Applicant shall provide a copy of this Order and any subsequent Orders to all
19 facilities where Applicant is currently (or subsequently) employed as a physician and/or has (or
20 subsequently receives) privileges to engage in the practice of medicine. Applicant shall provide
21 a copy of this Order to all treating physicians, dentists and or health care professionals.
22 Applicant shall continue to make the aforementioned disclosure and provide copies of this
23 Consent Order until the expiration of this Order.

24 6. Applicant may have his license to practice as an osteopathic physician restricted,
25 suspended or revoked by the Board in the future if:

- 1 (a) The Board finds that Applicant does not have the requisite mental, physical and
2 emotional fitness to safely continue the practice of medicine; or,
3 (b) There are new grounds for finding unprofessional conduct concerning
4 Applicant; or,
5 (c) Fails to comply fully with the terms and conditions of this Order.

6 7. Applicant shall not consume illicit drugs or take any controlled substances (i.e.,
7 prescription only drugs), unless her treating physician prescribes such medication for her with
8 the awareness that Applicant has a substance abuse disorder. Applicant shall maintain a monthly
9 log (for the duration of probation) of all prescription only drugs taken by her and such log shall
10 include the following information:

- 11 (a) the name of the medication;
12 (b) name of prescribing physician;
13 (c) reason for the medication.

14 8. At the first of each month, Applicant shall report by letter to the Board whether or
15 not she is taking any medications and, if so, a copy of his log reflecting the above information.

16 9. Applicant shall also, as part of his probation: (A) submit to and cooperate in any
17 independent medical or psychological evaluation that is ordered by the Board for Applicant and
18 conducted by the Board's designated physician and/or psychologist which shall be paid for by
19 Applicant; and (B) appear before the Board, upon receipt of a request by written or telephonic
20 notification from the Board's executive director which shall be given at least five
21 (5) days prior to the Board meeting; and, (C) submit to random biological fluid testing and
22 promptly provide (i.e., within sixty (60) minutes of notification) required biological fluids for
23 testing and said testing shall be done at the Applicant's expense.

24 10. Applicant shall participate in 90 meetings in 90 days upon her discharge from the
25 treatment facility and then in a minimum of three (3) self-help meetings per week through such
organizations as A.A., N.A., C.A. and doctor's Caduceus group. Applicant shall keep a log of all
meetings attended and have the log signed by the chairperson of the meeting. Applicant will
provide the Board with a copy of the signed log the first of every month.

1 11. In the event Applicant moves and ceases to practice medicine in Arizona, she
2 shall give written notice to the Board of his new residence address within twenty (20) days of
3 moving; and, the terms and duration of probation may be stayed by the Board until Applicant
4 returns to practice medicine in Arizona.

5 12. Applicant shall reimburse the Board for all expenses associated with the
6 continued monitoring of this matter.

7 13. Applicant shall continue to meet all licensing requirements such as continuing
8 medical education and renewal requirements including applicable fees pursuant to A.R.S. § 32-
9 1825.

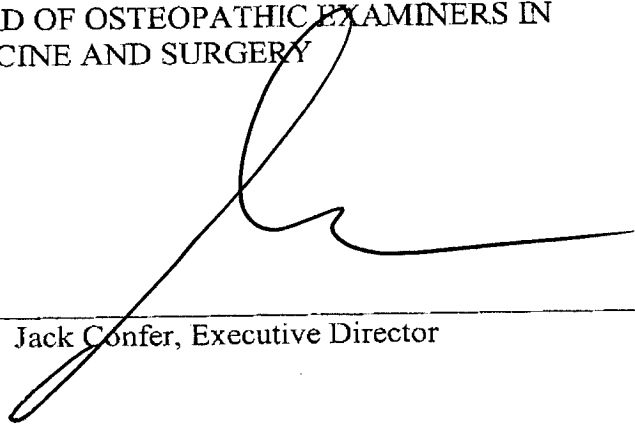
10 14. The Board's Executive Director shall send correspondence to the appropriate state
11 and/or federal law enforcement agency disclosing information in the Board's possession which
12 may establish criminal misconduct by Applicant, i.e., illicit use of controlled substances.

13 15. Applicant's failure to comply with the requirements of this Order shall constitute
14 unprofessional conduct as defined at A.R.S. § 32-1854(26), as amended, and may be considered
15 as grounds for further disciplinary action (e.g., suspension or revocation of license) in the event
16 that Applicant fails to comply with any of the requirements of this Order.



ISSUED THIS 13th DAY OF AUGUST, 2007.

STATE OF ARIZONA
BOARD OF OSTEOPATHIC EXAMINERS IN
MEDICINE AND SURGERY

By: 
Jack Confer, Executive Director

1 Original "Consent Agreement to
2 Findings of Fact, Conclusions of Law,
3 and Probationary Order" filed this 13th
4 day of August, 2007 with the:

5 Arizona Board of Osteopathic Examiners
6 In Medicine and Surgery
7 9535 East Doubletree Ranch Road
8 Scottsdale AZ 85258-5539

9 Copy of the foregoing "Consent Agreement to
10 Findings of Fact, Conclusions of Law,
11 and Probationary Order" sent via certified,
12 return receipt requested this 13th
13 day of August, 2007 to:

14 Janet M. Pragit, D.O.
15 5050 Clairemont Mesa Blvd, #40
16 San Diego, CA 92127

17 Copies of the foregoing "Consent Agreement to
18 Findings of Fact, Conclusions of Law,
19 and Probationary Order" sent via regular
20 mail this 13th day of August, 2006 to:

21 Blair Driggs, AAG
22 Office of the Attorney General CIV/LES
23 1275 West Washington
24 Phoenix AZ 85007
25 Michael Kimerer, Esquire
Kimerer & Derrick, PC
211 West Indianola Avenue
Phoenix, AZ 85012-2002

Kathy Fowler